FREQUENTLY ASKED QUESTIONS REGARDING THE PUBLIC INFORMATION CENTER (PIC)

Why is NHTSA providing CAFE reports for passenger cars and light trucks through the PIC?

Improving vehicle fuel economy has been long and widely recognized as one of the key ways of achieving energy independence, energy security, and a low carbon economy. The significance accorded to improving fuel economy reflects several factors. Conserving energy, especially reducing the nation's dependence on petroleum, benefits the U.S. in several ways. Improving energy efficiency has benefits for economic growth and the environment, as well as other benefits, such as reducing pollution and improving security of energy supply. Reducing dependence on oil imports from regions with uncertain conditions enhances our energy security. Additionally, the emission of CO_2 from the tailpipes of cars and light trucks due to the combustion of petroleum is one of the largest sources of U.S. CO_2 emissions. Using vehicle technology to improve fuel economy, and thereby reducing tailpipe emissions of CO_2 , is one of the three main measures of reducing those tailpipe emissions of CO_2 . The two other measures for reducing the tailpipe emissions of CO_2 are switching to vehicle fuels with lower carbon content, and changing driver behavior, i.e., inducing people to drive less.

As required by Congress, (49 USC 32907), manufacturers are required to submit reports to the National Highway Traffic Safety Administration (NHTSA) and the Environmental Protection Agency (EPA) demonstrating how they plan to comply with the applicable average fuel economy standards under section 32902 for the model year for which the report is made. NHTSA includes its requirements for reports submitted by manufacturers in 49 CFR Part 537, "Automotive Fuel Economy Reports." EPA verifies the reported data and calculations provided by manufactures and sends final verified reports to NHTSA and manufacturers. NHTSA closely tracks the progress of manufacturers in meeting standards and determines a manufacturer's compliance with CAFE standards based upon the EPA final data. NHTSA then provides public reports at the end of each model year to create greater public transparency and to ensure greater public confidence in the program's effectiveness. NHTSA already publishes a report on its website titled, "The Summary of Fuel Economy Report," which provides a bi-annual status report on CAFE fleet standards, performance values and production volumes by manufacturer, and makes manufacturers' CAFE reports publicly available at the end of each current calendar year in dockets at http://www.regulations.gov.

NHTSA also annually publishes data on each manufacturer's credit status and any applicable fines to provide clear public accounting of credits and program compliance. In 49 CFR Part 536.5(e), NHTSA is required to periodically publish the names and credit holdings of all credit holders. Credit holdings include a manufacturer's credit balance, which accounts for all transferred and traded credit transactions which have occurred over a specified transaction period. NHTSA made manufacturer's credit balances available to the public on the NHTSA website starting at the end of calendar year 2012.

To further strengthen its commitment to the public, in the final rule adopted on October 15, 2012 (see 76 FR 62623), NHTSA introduced plans to further improve the transparency of CAFE compliance data, and obligated itself to developing a new CAFE database. The new database is intended to simplify data submissions to NHTSA, improve the quality of the agency's data, expedite public reporting, improve audit verifications and testing, and enable more efficient tracking of manufacturers' CAFE credits with greater transparency. NHTSA has constructed the PIC as the public interface for its new database system. All repots previously provided on the NHTSA website are now available through the PIC.

Why are passenger cars and light trucks reported separately?

NHTSA is required to separate passenger cars and light trucks into different categories for complying with CAFE standards as prescribed by Congress in the Energy Policy and Conservation Act (EPCA), Energy Independence and Security Act (EISA), and in part by its own regulations. Standards apply based upon a statutory vehicle classification structure. Vehicle classification, for purposes of the CAFE program, refers to manufacturers' decisions regarding whether a vehicle is a passenger car or a light truck and whether NHTSA agrees; the vehicle would then be subject to the applicable passenger car or the light truck standards. EPCA categorizes some light 4-wheeled vehicles as "passenger automobiles" (cars) and the balance as "non-passenger automobiles" (light trucks). EPCA defines passenger automobiles as any automobile (other than an automobile capable of off-highway operation) which NHTSA decides by rule is manufactured primarily for use in the transportation of not more than 10 individuals. NHTSA created regulatory definitions for passenger automobiles and light trucks, found at 49 CFR Part 523, to guide the manufacturers in classifying vehicles and NHTSA in reviewing those classifications.

Under EPCA, there are two general groups of automobiles that qualify as non-passenger automobiles or light trucks: (1) those defined by NHTSA in its regulations as other than passenger automobiles due to their having design features that indicate they were not manufactured "primarily" for transporting up to ten individuals; and (2) those expressly excluded from the passenger category by statute due to their capability for off-highway operation, regardless of whether they might have been manufactured primarily for passenger transportation. 49 CFR 523 directly tracks those two broad groups of non-passenger automobiles in subsections (a) and (b), respectively. We note that NHTSA tightened the definition of light truck in the rulemaking establishing the MY 2011 standards to ensure that only vehicles that actually have 4WD will be classified as off-highway vehicles by reason of having 4WD (to prevent 2WD SUVs that also come in a 4WD "version" from qualifying automatically as "off-road capable" simply due to the existence of the 4WD version), which resulted in the reclassification of over 1 million vehicles from the truck fleet to move across to the car fleet.

What Vehicles are included as a part of a manufacturer's Domestic Passenger Car (DP) fleet?

A passenger automobile is deemed to be manufactured domestically in a model year, if at least 75 percent of the cost to the manufacturer is attributable to value added in the United States, Canada, or Mexico, unless the assembly of the automobile is completed in Canada or Mexico and the automobile is imported into the United States more than 30 days after the end of the model year.

What Vehicles are included as a part of a manufacturer's Import Passenger Car (IP) fleet?

A passenger automobile is deemed to be an import passenger vehicle in a model year, if less than 75 percent of the cost to the manufacturer is attributable to value added in the United States, Canada, or Mexico, unless the assembly of the automobile is completed in Canada or Mexico and the automobile is imported into the United States more than 30 days after the end of the model year.

What manufacturers and vehicle brands are complying with CAFE Standards?

Manufacturer	Brand	Start Model Year	End Model Year
Alfa Romeo	Alfa Romeo	1985	1990
American Motors	American Motors	1978	1987
American Motors	Jeep	1984	1987
Aston Martin	Aston Martin	1990	
BMW	BMW	1978	
BMW	MINI	2002	
BMW	Rolls-Royce	2003	
BYD Motors	BYD	2012	
Calloway	Calloway	1978	
Chrysler	Chrysler	1978	1998
Chrysler	Dodge	1978	1998
Chrysler	Jeep	1988	1998
Chrysler	Lamborghini	1989	1990
Chrysler	Plymouth	1978	1998
Chrysler	Dodge	2008	2011
Chrysler	Jeep	2008	2011
Coda	Coda	2012	
Daewoo	Daewoo	1999	2003
Daihatsu	Daihatsu	1988	1992
Daimler	Daimler	1990	
Daimler	Maybach	2008	
Daimler	Mercedes Benz	2008	
Daimler	Smart	2009	
DaimlerChrysler	Chrysler	1999	2007
DaimlerChrysler	Dodge	1999	2007
DaimlerChrysler	Jeep	1999	2007
DaimlerChrysler	Mercedes Benz	1999	2007
DaimlerChrysler	Mitsubishi	2001	2004
DaimlerChrysler	Plymouth	1999	2007
Ferrari	Ferrari	2005	2009
Ferrari Maserati	Ferrari	2004	2004
Ferrari Maserati	Maserati	2004	2004
Fiat Chrysler	Alfa Romeo	2008	
Fiat Chrysler	Chrysler	2012	
Fiat Chrysler	Dodge	2012	
Fiat Chrysler	Ferrari	1987	2003
Fiat Chrysler	Fiat	1978	
Fiat Chrysler	Jeep	2012	
Fiat Chrysler	Maserati	2010	
Ford	Ford	1978	
Ford	Jaguar	1991	2007
Ford	Land Rover	2000	2007
Ford	Lincoln	1978	

Ford	Mazda	1996	2008
Ford	Mercury	1978	2012
Ford	Roush Industries	2008	
Ford	Volvo	1999	2009
General Motors	Buick	1978	
General Motors	Cadillac	1978	
General Motors	Chevrolet	1978	
General Motors	GEO	1989	2004
General Motors	GMC	1978	
General Motors	Hummer	2006	2010
General Motors	Oldsmobile	1978	2004
General Motors	Pontiac	1978	2010
General Motors	Saab	1990	2011
General Motors	Saturn	1991	2010
Honda	Acura	1986	
Honda	Honda	1978	
Hyundai	Hyundai	1986	
Isuzu	Isuzu	1978	2007
Jaguar Land Rover	Jaguar	2012	2007
Jaguar Land Rover	Land Rover	2012	
Kia	Kia	1993	
Lotus	Lotus	1998	
Maserati	Maserati	2005	2009
Mazda	Mazda	2009	2003
Mazda	Mazda	1978	1996
McLaren	McLaren	2000	1330
Mercedes Benz	Mercedes Benz	1978	1998
Mitsubishi	Mitsubishi	1983	2000
Mitsubishi	Mitsubishi	2005	2000
Nissan	Infiniti	1990	
Nissan	Nissan	1978	
Porsche	Porsche	1985	2011
Quantum	Quantum	1999	2011
Rolls Royce	Rolls Royce	1978	2004
Roush Industries	Roush Industries	1978	2002
Rover	Land Rover	1978	1999
Saab	Saab	1987	1989
Saab	Saab	2011	1707
Saleen	Saleen	2011	2006
Shelby	Shelby	1978	2000
Spyker	Spyker	2005	
Subaru	Subaru	1978	
Suzuki			
	Suzuki	1984	2000
Tata	Jaguar	2008	2008
Tata	Land Rover	2008	2008
Tesla	Tesla	2008	
Think	Think	2011	
Toyota	Lexus	1990	

Toyota	Scion	2004	
Toyota	Toyota	1978	
Volkswagen	Audi	1978	
Volkswagen	Bentley	1999	
Volkswagen	Bugatti	2006	
Volkswagen	Lamborghini	1999	
Volkswagen	Porsche	1978	1984
Volkswagen	Porsche	2012	
Volkswagen	Rolls-Royce	1999	2002
Volkswagen	Volkswagen	1984	
Volvo	Volvo	1978	1998
Volvo	Volvo	2010	
Vpg	Vpg	2011	
Wheego	Wheego	2011	

How are NHTSA's CAFE standards derived?

NHTSA's CAFE fleet standards are mathematical functions depending upon the unique model type footprint combinations in a manufacturer's fleet. Footprint is one measure of vehicle size, and is determined by multiplying the vehicle's wheelbase by the vehicle's average track width (see 49 CFR 523.2 for the exact definition of "footprint."). Prior to 2011, NHTSA used separate flat standards as a basis for compliance for passenger cars and light trucks.

NHTSA uses model type target standards to derive a fleet standard for each compliance category of vehicles, i.e., domestic and import passenger cars, and light trucks. Accordingly, each light vehicle model produced for sale in the United States has a fuel economy target based upon footprint values. 49 CFR Part 531 explains how to calculate the fuel economy target and fleet standards for passenger cars and 49 CFR Part 533 provides the same level of information for light trucks. The CAFE levels that must be met by the fleet of each manufacturer will be determined by computing the production-weighted harmonic average of the targets applicable to each manufacturer's passenger cars and light trucks. Under these final footprint-based CAFE standards, the CAFE levels required of individual manufacturers depend, on the mix of vehicles produced. Based upon the forecasts developed in NHTSA's final rules for model years 2012–2025 (see 75 FR 25324 and 77 FR 62624), the expected model type fuel economy targets are plotted versus vehicle footprint values in the following graphs. NHTSA has adopted tentative CAFE standards for model years 2022–2025 and will set final standards for these model years in a future rulemaking.

Figure 1. MY 2012-2025 Passenger Car Fuel Economy Targets

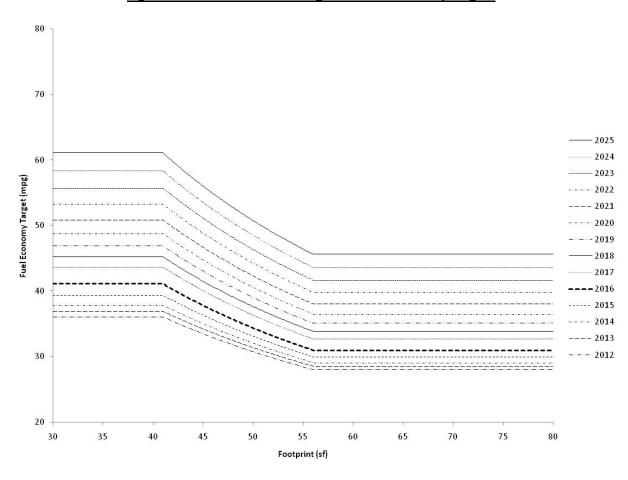
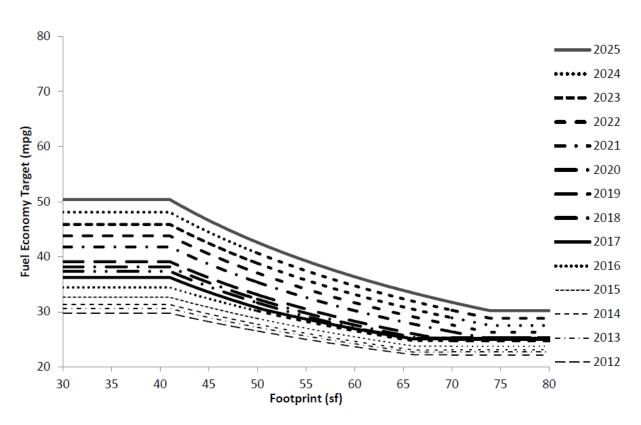


Figure 2. MY 2012-2025 Light Truck Fuel Economy Targets



How do I determine if a manufacturer is complying based upon the PIC reports?

Reports are provided which can aggregate fuel economy performance data at the manufacturer and fleet levels. A manufacturer complies with NHTSA's fuel economy standard if its fleet average performance is greater than or equal to its required standard, or if it is able to use available compliance flexibilities to resolve its non-compliance difference.

When does NHTSA determine compliance for manufacturers?

NHTSA begins to determine CAFE compliance by reviewing projected estimates in pre- and mid-model year reports submitted by manufacturers pursuant to 49 CFR Part 537, Automotive Fuel Economy Reports. Those reports, for each compliance model year, are submitted to NHTSA in the month of December of the calendar year prior to the corresponding subsequent model year (for the pre-model year report) and in the month of July of the given model year (for the mid-model year report). NHTSA uses these reports for reference to help the agency, and the manufacturers who prepare them, anticipate potential compliance issues as early as possible, and help manufacturers plan compliance strategies. NHTSA also uses the reports for auditing and testing purposes, which helps manufacturers correct errors prior to the end of the model year and facilitates acceptance of their final CAFE report by EPA. NHTSA resolves discrepancies with the manufacturer prior to the end of the calendar year corresponding to the respective model year, with the primary goal being manufacturers submitting accurate final reports to EPA. NHTSA makes its ultimate determination of a manufacturer's CAFE compliance obligation based on official reported and verified CAFE data received from EPA. Pursuant to 49 U.S.C. 32904(e), EPA is responsible for calculating manufacturers' CAFE values so that NHTSA can determine compliance with its CAFE standards. The EPA-verified data is based on any considerations from NHTSA testing, its own vehicle testing, and final model year data submitted by manufacturers to EPA pursuant to 40 CFR 600.512. A manufacturer's final model year report must be submitted to EPA no later than 90 days after December 31st of the model year. EPA issues final CAFE reports to manufacturers and to NHTSA starting in April of each year (for the previous model year), and NHTSA then identifies the manufacturers' compliance categories (fleets) that do not meet the applicable CAFE fleet standards.

What compliance flexibilities are available under the CAFE program and how do manufacturers use them?

There are three basic flexibilities outlined by EPCA/EISA that manufacturers can currently use to achieve compliance with CAFE standards beyond applying fuel economy-improving technologies: (1) Building dual- and alternative-fueled vehicles; (2) banking (carry-forward and carry-back), trading, and transferring credits earned for exceeding fuel economy standards; and (3) paying civil penalties. We note that while these flexibility mechanisms will reduce compliance costs to some degree for most manufacturers, 49 U.S.C. 32902(h) expressly prohibits NHTSA from considering the availability of statutorily-established credits (either for building dual- or alternative-fueled vehicles or from accumulated transfers or trades) in determining the level of the standards. Thus, NHTSA may not raise CAFE standards because manufacturers have enough of those credits to meet higher standards. This is an important difference from EPA's authority under the Clean Air Act, which does not contain such a restriction, and which allows EPA to set higher standards as a result.

If a manufacturer's vehicles in a particular compliance category (i.e., DP, IP or LT) fall below the standard fuel economy value, NHTSA will provide written notification to the manufacturer that it has not met a particular fleet standard. The manufacturer will be required to confirm the shortfall and must either submit a plan indicating it will allocate existing credits, or if it does not have sufficient credits available in that fleet, how it will earn, transfer and/or acquire credits, or pay the appropriate civil penalty. The manufacturer must submit a plan or payment within 60 days of receiving agency notification. Credit

allocation plans received from the manufacturer will be reviewed and approved by NHTSA. NHTSA will approve a credit allocation plan unless it finds the proposed credits are unavailable or that it is unlikely that the plan will result in the manufacturer earning sufficient credits to offset the subject credit shortfall. If a plan is approved, NHTSA will revise the manufacturer's credit account accordingly. If a plan is rejected, NHTSA will notify the manufacturer and request a revised plan or payment of the appropriate fine.

In the event that a manufacturer does not comply with a CAFE standard even after the consideration of credits, EPCA provides for the assessment of civil penalties. The Act specifies a precise formula for determining the amount of civil penalties for noncompliance. The penalty, as adjusted for inflation by law, is \$5.50 for each tenth of a mpg that a manufacturer's average fuel economy falls short of the standard for a given model year multiplied by the total volume of those vehicles in the affected fleet (*i.e.*, import or domestic passenger car, or light truck), manufactured for that model year. The amount of the penalty may not be reduced except under the unusual or extreme circumstances specified in the statute. All penalties are paid to the U.S. Treasury and not to NHTSA itself.

Unlike the National Traffic and Motor Vehicle Safety Act which is the basis for NHTSA's safety authority, EPCA does not provide for recall and remedy in the event of a noncompliance (see 49 U.S.C. 32912). The presence of recall and remedy provisions in the Safety Act and their absence in EPCA is believed to arise from the difference in the application of the safety standards and CAFE standards. A safety standard applies to individual vehicles; that is, each vehicle must possess the requisite equipment or feature that must provide the requisite type and level of performance. If a vehicle does not, it is noncompliant. Typically, a vehicle does not entirely lack an item or equipment or feature. Instead, the equipment or features fails to perform adequately. Recalling the vehicle to repair or replace the noncompliant equipment or feature can usually be readily accomplished.

In contrast, a CAFE standard applies to a manufacturer's entire fleet for a model year. It does not require that a particular individual vehicle be equipped with any particular equipment or feature or meet a particular level of fuel economy. It does require that the manufacturer's fleet, as a whole, comply. Further, although under the attribute-based approach to setting CAFE standards fuel economy targets are established for individual vehicles based on their footprints, the vehicles are not required to comply with those targets on a model-by-model or vehicle-by-vehicle basis. However, as a practical matter, if a manufacturer chooses to design some vehicles so they fall below their target levels of fuel economy, it will need to design other vehicles so they exceed their targets if the manufacturer's overall fleet average is to meet the applicable standard. Thus, under EPCA, there is no such thing as a noncompliant vehicle, only a noncompliant fleet. No particular vehicle in a noncompliant fleet is any more, or less, noncompliant than any other vehicle in the fleet.

After enforcement letters are sent, NHTSA continues to monitor receipt of credit allocation plans or civil penalty payments that are due within 60 days from the date of receipt of the letter by the vehicle manufacturer, and takes further action if the manufacturer is delinquent in responding. If NHTSA receives and approves a manufacturer's carryback plan to earn future credits within the following three years in order to comply with current regulatory obligations, NHTSA will defer levying fines for non-compliance until the date(s) when the manufacturer's approved plan indicates that credits will be earned or acquired to achieve compliance, and upon receiving confirmed CAFE data from EPA. If the manufacturer fails to acquire or earn sufficient credits by the plan dates, NHTSA will initiate compliance proceedings. 49 CFR part 536 contains the detailed regulations governing the use and application of CAFE credits authorized by 49 U.S.C. 32903.

How does building dual- and alternative-fueled vehicles and including them in manufacturer's fleet help to comply with standards

EPCA/EISA sets forth statutory provisions for manufacturers building alternative-fueled and dual- (or flexible-) fueled vehicles by providing special fuel economy calculations for "dedicated" (that is, 100

percent) alternative fueled vehicles and "dual-fueled" (that is, capable of running on both the alternative fuel and gasoline/diesel) vehicles. Consistent with the overarching purpose of EPCA/EISA, these statutory provisions establish incentives to help reduce petroleum usage and thus improve our nation's energy security.

By statute, the current fuel economy of a dedicated alternative fuel vehicle is determined by dividing its fuel economy in equivalent miles per gallon of gasoline or diesel fuel by 0.15.¹ Thus, a 15 mpg dedicated alternative fuel vehicle would be rated as 100 mpg. Likewise, for dual-fueled vehicles, the vehicle's fuel economy rating is determined as the harmonic average of the fuel economy on gasoline or diesel and the fuel economy on the alternative fuel vehicle divided by 0.15.² For example, a dual-fueled vehicle that averages 25 mpg on gasoline or diesel could be considered a 40 mpg vehicle for CAFE purposes when considering its performance on the alternative fuel. This assumes that (1) the vehicle operates on gasoline or diesel 50 percent of the time and on alternative fuel 50 percent of the time; (2) fuel economy while operating on alternative fuel is 15 mpg (15/.15 = 100 mpg); and (3) fuel economy while operating on gas or diesel is 25 mpg. Thus:

CAFE FE =
$$1/\{0.5/(mpg gas) + 0.5/(mpg alt fuel)\} = 1/\{0.5/25 + 0.5/100\} = 40 mpg$$

Considering a similar example for an alternative fueled vehicle powered by natural gas, a vehicle averaging 25 miles per $100 \, \mathrm{ft^3}$ of natural gas could have a 203 mpg fuel economy rating. The CAFE fuel economy while operating on the natural gas is determined by dividing its fuel economy in equivalent miles per gallon of gasoline by $0.15.^3$ The equivalent fuel economy for $100 \, \mathrm{cubic}$ feet ($\mathrm{ft^3}$) of natural gas is equivalent to $0.823 \, \mathrm{gallons}$ of gasoline as provided by EISA. Thus, if a vehicle averages 25 miles per $100 \, \mathrm{ft^3}$ of natural gas, then:

CAFE FE =
$$(25/100) * (100/.823)*(1/0.15) = 203 mpg$$

EISA prescribes the incentive for dual-fueled automobiles not only as an adjustment to the vehicle but also limits the overall impact of these vehicles on a manufacturer's fleet performance. A cap for the overall impact of dual-fueled vehicles is specified through MY 2019, but progressively phases-out between MYs 2015 and 2019.⁴ The maximum fleet fuel economy increase attributable to this statutory incentive is as follows:

Model year	Fleet mpg increase
MYs 1993-2014	1.2
MY 2015	1.0
MY 2016	0.8
MY 2017	0.6
MY 2018	0.4
MY 2019	0.2
After MY 2019	0

49 CFR part 538 codifies in regulation the statutory alternative-fueled and dual-fueled automobile manufacturing incentives.

After the expiration of the special calculation procedures in 49 U.S.C. 32905 for dual fuel vehicles, NHTSA has adopted new approaches for treating and incentivizing PHEVs and alternative fueled vehicles. NHTSA is also adopting a new approach for treating CNG vehicles using the SAE fleet-based utility factors. These changes are explained in October 15, 2012 final rule (see 77 FR 63130). Additional incentives for CNG vehicles are also being established starting model year 2016 in response to section

¹ 49 U.S.C. 32905(a).

² 49 U.S.C. 32905(b).

^{3 49} U.S.C. 32905(c).

^{4 49} U.S.C. 32906(a).

318 of the <u>National Defense Authorization Act</u>. NHTSA will further incentivize CNG vehicles by changing the minimal driving range to qualify as a dual fueled vehicle and will remove the cap for CNG vehicles, which will allow CNG vehicles to have a greater overall contribution to a manufacturer's fleet performance. Other incentives also being adopted include optional approaches for determining the CAFE performance of PHEVs.

How can a manufacturer use credit trades and transfers to comply with standards?

As part of the MY 2011 final rule, NHTSA created 49 CFR part 536 for credit trading and transfer. Part 536 implements the provisions in EISA authorizing NHTSA to establish, by regulation, a credit trading program and directing it to establish, by regulation, a credit transfer program. Since its enactment, EPCA has permitted manufacturers to earn credits for exceeding the standards and to carry those credits backward or forward. EISA extended the "carry-forward" period from three to five model years, and left the "carry-back" period at three model years. Under part 536, credit holders (including, but not limited to, manufacturers) will have credit accounts with NHTSA, and will be able to hold credits, use them to achieve compliance with CAFE standards, transfer them between compliance categories, or trade them. A credit may also be cancelled before its expiration date, if the credit holder so chooses. Traded and transferred credits are subject to an "adjustment factor" to ensure total oil savings are preserved, as required by EISA. EISA also prohibits credits earned before MY 2011 from being transferred, so NHTSA has developed several regulatory restrictions on trading and transferring to facilitate Congress' intent in this regard. EISA establishes a "cap" for the maximum increase in any compliance category attributable to transferred credits: for MYs 2011–2013, transferred credits can only be used to increase a manufacturer's CAFE level in a given compliance category by 1.0 mpg; for MYs 2014–2017, by 1.5 mpg; and for MYs 2018 and beyond, by 2.0 mpg.

When are civil penalties for CAFE standards required to be paid?

If a manufacturer's average miles per gallon for a given compliance category (domestic passenger car, imported passenger car, light truck) falls below the applicable standard, and the manufacturer cannot make up the difference by using credits earned or acquired, the manufacturer is subject to penalties. The penalty, as mentioned, is \$5.50 for each tenth of a mpg that a manufacturer's average fuel economy falls short of the standard for a given model year, multiplied by the total volume of those vehicles in the affected fleet, manufactured for that model year. Civil penalties paid for CAFE non-compliance go to the U.S. Treasury, and not to DOT or NHTSA.

NHTSA recognizes that some manufacturers may use the option to pay civil penalties as a CAFE compliance flexibility—presumably, when paying civil penalties is deemed more cost-effective than applying additional fuel economy-improving technology, or when adding fuel economy-improving technology would fundamentally change the characteristics of the vehicle in ways that the manufacturer believes its target consumers would not accept. NHTSA has no authority under EPCA/EISA to prevent manufacturers from turning to payment of civil penalties if they choose to do so.